

**EUCALYPTUS GROVE HOMEOWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY DECEMBER 14TH, 2023 (6PM) via Zoom  
<https://ucsb.zoom.us/j/95672538616>  
Meeting ID: 956 7253 8616; Passcode: 71139**

## Meeting Minutes

### 1. CALL BOARD MEETING TO ORDER – CONFIRMATION OF QUORUM

If you wish to physically attend the meeting, you may come to the Management Office at 3944 State St. #200. Please call the day before the meeting to let us know that you're coming. Thank you.

Meeting was called to order at: 6:00m

#### Board Members present:

Colin Smith - President  
Christine Hall - Vice President  
Owen Roth - Treasurer  
Tamara Simmons - Secretary  
Joe Mora - Member-at-Large

#### Managers & Employees present:

James Nguyen of Bartlein  
Julia Grigorian, Scribe

#### Homeowners present:

Craig Nicholson #247  
Catherine Levya #369  
Darrin Ambat #309  
Bill Rauch #351  
Tami Jauchen #264  
Annette Winter #260  
David Parker #128

#### Absences:

### 2. REQUEST BY OWNERS IN ATTENDANCE / VIA CORRESPONDENCE / PHONE

Open Forum (unless it's an emergency, it'll be put on next month's agenda); Board to consider the request & possibly vote. Each unit has about 3 minutes to address their concern to the Board.

Catherine Levya #369: Cathy expressed concern about the budget, noting the difference between a 2021 budget prediction of 90.9% for 2024 and the current budget indication of only 54% funding for reserves that the current budget indicates only 54% funding for reserves. She conveyed worries regarding the allocation of budget resources and would like to know where we are spending the money and what we are doing, particularly since there are owners on fixed income.s She also noted the absences of the \$48,330 (for the actual June assessment) from the 2024 budget and wondered if that was proper.

Tami Jaucen #264: Tami reported being the most affected unit in the water leak (addressed in 5a). The association's insurance company offered \$20,000 less than needed for rebuilding, and she requested the association's assistance in negotiating with the insurance company. Despite James advising against involvement, Tami emphasized the need for comprehensive coverage, citing concerns about mold for the entire building due to the alleged negligence of the owner of unit #364 in failing to make adequate water repairs. Further discussed in 5a.

Bill Rauch #351: Bill presented pictures illustrating the deterioration of the concrete curb at the front entry driveway. He inquired about any progress in addressing this issue as the Board previously approved renovations for this. Joe indicated having the purchase order and assured that he would prioritize this project on the fence project completed.



Craig Nicholson #247: Craig raised concerns about several items he wished to discuss, requesting their inclusion on the agenda. Despite his request, per Craig, none of the items were added. Craig noted he is representing 16 additional units along with himself. Colin clarified that Craig's items are on the agenda tonight (to be discussed in old business 5b). Additionally, Craig presented vendor evaluations, commending Ashley for excellent pool monitoring and Joe for expediting the final replacement of the front fence. However, he expressed dissatisfaction with the performance of Big Green, stating that they do not meet his standards.

Annette Winters #260: Annette sought approval for several items in her renovation of her unit. Tamara confirmed that, via email, the Board had already approved her items.

### 3. APPROVAL OF PRIOR MEETING MINUTES (11/8/23)

#### a. Regular Session 11/8/23

Colin moved a motion to approve the regular session minutes from 11/8/23. Joe seconded. This was unanimously approved.

#### b. Executive Session Summary 11/8/23

Colin moved a motion to approve the executive session minutes from 11/8/23. Owen seconded. This was unanimously approved. Chris wanted to check and see if the credit card discussed in the executive session had made any progress, but there had not been. James said he would look into this.

### 4. TREASURER, OFFICERS & COMMITTEE REPORTS

#### a. Reading of the Treasurer's Report.

Operating Expenses are about **4.7+%** above budget thru end of last month on a cash basis.

*Suggested Motion: Move to approve the Treasurer's report and confirm the Board has reviewed all financial information each month as required by Civil Code Section 5500 including, but not limited to, the Association's check register, monthly general ledger, and delinquent assessment receivable reports. Furthermore, as required by Civil Code Section 5380, the Board has approved all transfers of funds to and from the Association's bank accounts, and has approved any two authorized signers on the Association's bank accounts to transfer funds from reserves in an amount necessary to pay for expenditures as described in the Association's budget or otherwise approved by the Board.*

Owen highlighted key points while reading the Treasurer's report. James provided commentary on a significant insurance payout that occurred during the month, causing a 23% deviation from the anticipated insurance line item and also contributing to the 4.7% overage in operating expenses. Owen moved a motion to accept the Treasurer's report as presented, and Colin seconded the motion. The motion was unanimously approved. .

#### b. Landscape recommendations & proposals.

Joe Provided an update on recent landscape activities, noting that Action Tree has completed the trimming of trees behind 7632 and 7634. The front fence has also been completed, with only the painting remaining. Joe is scheduled to meet with Action Tree for a proposal concerning the trees located behind 7620 and 7602.

James, after meeting with Joe, thought Joe had a good idea. Joe proposed the installation of lights along the fence on Hollister Ave to enhance visibility in the area and deter unauthorized access. Joe is in the process of obtaining a proposal for this lighting project, intending to illuminate both sides of the fence. In response to Tamara's query about the location of the lights on the fence, Joe clarified that they would be placed on top, specifically on the east end. Colin stated the Board will conduct further research on the proposed lights.

James brought attention to the mailbox at 7620, highlighting an issue with the raised slab, possibly caused by a nearby pine tree. To address this, Joe's idea was to relocate the mailbox kiosk further down the driveway by the creek. Colin informed the Board that a renovation for the mail kiosk is already allocated in



the reserve fund for 2024.

c. Committees (EV, Architectural, Events, etc.)

Governing Docs: Nothing to report.

Gym: Nothing to report.

EV: Tamara successfully connected with the Southern California Edison (SCE) representative. Progress is ongoing. Updates will be provided as developments unfold. got a hold of the SCE representative. Progress is still being made.

Websites: Chris expressed a desire for the website committee to shift its focus toward information relevant to owners, rather than historical data. In response, Colin and Julia will review the architectural page, aligning with Chris's request.

d. Caretaker or pool report.

Jim notified James that the sauna is up and running.

e. Vendor evaluations

**Motions of Merit:** Colin moved a motion of merit for Jim Dewey, the caretaker, for promptly fixing the sauna. Joe seconded. This was unanimously approved.

**Motions of Demerit:** Colin moved a motion of demerit for Big Green for their subpar service. Tamara seconded. Owen moved a motion to allow owner Craig Nicholson to provide comments on the matter, which was seconded by Colin. Craig shared concerns about Big Green's failure to consistently refill and restock soap and toilet paper dispensers, as well as the neglect of sweeping the pool deck. Despite Craig's efforts to address the issue with the service and supervisor, improvements were only temporary. Colin assured that the Board will investigate the matter. Chris pointed out that Big Green has recently purchased the correct soap and is now restocking. Joe added that the service provider's presence at 5:45am with loud music was disruptive. Joe discussed this with the representative. Chris Hall abstained from voting, while all other Board members voted in favor of the motion.

f. Officer's Reports

None to report.

5. **OLD BUSINESS (Board to consider, review and possibly vote on...)**

a. Leak from #364 into #264 and #131 - claim filed & disbursement

Tami sought assistance from James regarding her insurance claim and the additional items she needs covered due to a leak from unit #364 into units #264 and #131. Specifically, Tami requested another insurance adjuster come to appraise the additional damage caused by unit #364's failure to complete water repairs. James clarified that neither the management nor the Board can dictate coverage to an insurance company. Tami specifically needs help with mold remediation and expressed the need for a re-evaluation, as the adjuster did not capture everything initially.

Chris questioned the involvement of insurance in a unit owner's negligence, highlighting that this is the fourth water leak from the same unit. Trowbridge, the owner of #364, and his insurance will only deal with HOA. Tami wanted it to be clear that she did not involve the HOA. James explained the workings of the association's insurance, emphasizing that it covers everyone minus the deductible, which should ideally be covered by Trowbridge's insurance.

Tami advocated for the removal of the subrogation clause during the CC&R revision. James suggested that circumstances like these might require Tami to take Trowbridge to small claims court to recover the deductible but emphasized that this was not legal advice. Tami emphasized the significant increase in mold levels, potentially compromising the entire building's structure, not just her unit. Owen requested James to explore options to recoup costs and address mold remediation. Tami urged the Board to take action against



Trowbridge for not upholding maintenance rules.

Tamara reminded the Board that Trwobridge had produced a mold clearance report. The Board requested James to locate and distribute this report. In the chat, Tami clarified that Trowbridge's reference to the mold test is the ServPro report stating no *visible* mold with a certified mold inspector and that this is not an official clearance report.

b. Owner's responsibility & 2024 Budget (Craig Nicholson)

Craig raised concerns about a change in the policy of owner's responsibility, emphasizing the need for proper procedures such as an agenda item, motion, and vote. He noted an unsuccessful vote to ignore a legal opinion, asserting that no action should have been taken. Craig referred to a past judgment in 2010 related to a leak in his utility lines, stating that unit owners were responsible for anything considered exclusive use. Chris added that, irrespective of opinions, the Board has not voted to change the policy, and owners need to be notified of the possibility of any future action. Chris accused Colin, the president of taking action without a formal motion. Owen and Colin sought clarification on the alleged action.

Owen highlighted the need to address such matters in the new CC&Rs and clarified that emergency decisions, like the recent gas leak Chris is referencing when the accusation against Colin was made, do not establish a new decision-making framework. Colin clarified that the new CC&R drafts had not been approved, in spite of Craig's assertion that the new CC&Rs had Board approval. Chris stressed the importance of informing owners of the possibility of an unapproved-by-voter-change. Craig also argued that, despite legal opinions, the current CC&Rs from the 1980s take precedence.

Chris proposed an amendment that will state our original maintenance policy that all common exclusive items are the owner's responsibility, reaffirming the current understanding as outlined by the CC&rs. Joe seconded. James noted an attorney would need to be involved. Owen suggested involving an attorney, leading to a countermotion by Owen to hire an attorney for drafting. Colin moved a motion to allow owner Cathy Leyva to talk, with Owen seconding. Cathy discussed a gas leak incident the owners in her building paid for, asserting it was the owner's responsibility. Owen amended the motion "to get a quote for a legal draft not to exceed \$2,000." Chris seconded Owen's amendment. The motion got three nays - Colin, Owen, and Tamara. The motion failed. No action was taken.

Craig questioned the validity of the 2024 budget, pointing out discrepancies in the numbers and decisions made on invalid projections. Tamara clarified that the Board is under budget due to uncompleted repairs that were slated for this year. Craig emphasized that changing the owner's responsibility can affect the reserves by \$1.5 million. Owen inquired about offsetting repairs not done against insurance, leading to further discussion about responsibilities.

Tamara proposed a motion for a special meeting after the annual meeting to address the owner-petitioned items presented by Craig. Chris seconded, and the discussion focused on potential dates and locations. The meeting would be in person, and Craig and Chris will look into finding a suitable venue. The Board settled on February 1st for the meeting, with the location to be determined. All members voted in favor.

- c. Repairs: roof; dryrot; painting; gutter cleaning; approval and/or ratification of proposals & invoices (if any); James had nothing to report.
- d. Updating the gov docs; 2<sup>nd</sup> draft of bylaws & CC&Rs  
Discussed above in 5b.
- e. Gas lines review & Gas lines for 7638 (Beachside \$29,516)  
Colin presented an overview of the repair work on the 15 gas lines for 7638. Chris inquired about the possibility of a pressure test, sparking discussion. However, it was clarified that no pressure test is currently scheduled. In response, Owen motioned to table further discussion on this matter, a motion seconded by Joe. The motion was unanimously approved.



- f. Repairs & bids: DG Paths; V-Ditch; Sidewalk; (if any)  
Discussion tabled.
- g. Consolidated Overhead: Upgrades to gates, gym & pool access control  
Colin provided an update on Jim's progress in auditing all the keys for the complex and emphasized the importance of collecting key card data from owners. Tamara suggested utilizing Jim's new work order site for this purpose. Colin moved a motion to initiate the collection of key card information from owners, starting on the 15th. Tamara seconded, and the motion was unanimously approved.
- h. Pool facilities & sauna; other related issues; monitoring; trespassers; handicap seating  
The Board discussed the search for a missing pool hose, with Joe volunteering to locate it. Chris inquired about the previously discussed handicap bench, and James clarified that Tom is addressing it. Owen proposed a motion to approve up to \$200 or any pool upgrades related to the two pool hoses and the bench. Colin seconded, the Board confirmed that Jim could purchase and install them, with reimbursement to follow. The motion was unanimously approved.
- i. Signs: Address, pathways, directional, speed limit, no trespassing, pool area  
A quote for the front fence lettering was presented. Tamara moved a motion to approve the 3 quarter inch thick by 12 inch high, white acrylic signs Instant Signs, with Joe seconding. The motion was unanimously approved.
- j. EV charging station  
The Board discussed the cost-effectiveness of an EV charging station. Tamara explained various initiatives and incentives from the county, city, and state that could benefit the complex.
- k. Inspection of elevated walkways & balconies – by Focused Group 8/7/23 – 8/15/23  
The report on the inspection of elevated walkways and balconies by Focus Group is still pending, and the Board does not have this report yet.
- l. Pedestrian pathway improvements mailbox kiosk across from 7632  
Discussed in 4b.
- m. Utility closets at 7628 #117  
This closet is sealed from the elements, but there is no movement on the actual repair. James told the Board they can repair it and charge her. Joe moved a motion to put the doors up, bill the owner, but not repair the inside. Chris seconded. This was unanimously approved.
- n. Annual meeting 1/11/24, at 6:15PM, Goleta Valley Library - Multi Purpose Room (Up for re-election: Colin, Owen, Tamara for two-year term each)  
James wanted to thank Chris for finding the location.
- o. Fire safety - quote for radios / walkie-talkie  
Discussion tabled.
- p. Bike rack by 7628  
Discussion ensued about whether the second bike rack was approved. Chris said she would look for this.
- q. Parking lot lights  
Colin discussed the parking lot renovation. They will now all be matching.
- r. Trees & Union Pacific Railroad  
Detritus still remains. James redid the insurance claim.



## 6. NEW BUSINESS (Board to consider, review and possibly vote on...)

- a. #260 - luxury vinyl flooring & windows, lattice work  
This was discussed in open forum.
- b. #215 - shed for patio  
Tamara moved a motion to disapprove the installation request of a shed on the patio for unit #215. Colin seconded, and the motion was unanimously approved.
- c. Resolution to transfer funds to meet cash flow  
Due to operating expenses exceeding the budget for the year, the association needs to transfer funds to meet cash flow requirements Resolution passed unanimously..
- d. Annual audit & tax returns by CPA  
The Board discussed the annual audit, with the cost for a full audit being \$2,175 and an annual review for \$400 less. Colin moved a motion to conduct a full audit, an dJoe seconded. Further discussion ensued to clarify the differences between a full audit and an annual review. This motion was approved unanimously.
- e. Other items to be put on next month's agenda  
Tamara wanted to bring up the unit #254 in her building with the dog defecating and urinating on the patio. Owen recommended that the Board discuss this more in executive session.

## 7. EXECUTIVE SESSION

Executive Session may only be used to discuss litigation, contracts with 3<sup>rd</sup> parties, member discipline, personnel, upon an owner's request to discuss payment of assessments, foreclosures, disability requests, legal advice, censure of a director, or mental illness of a member. Hiring; levying fine; noise issue.

- a. Late payers through end of last month (balances of \$500 or more)
- b. Internal Dispute Resolution / Levy fines / Bankruptcy / Foreclosure / Small Claims / Write off

## 8. ADJOURNMENT (Next scheduled meeting 1/11/23 @ 6PM via Zoom)

- a. Meeting adjourned at 8:59pm.

For questions contact:  
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